PRESENTATION BY THE LEGISLATIVE ASSEMBLY OF THE NORTHWEST TERRITORIES TO THE SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS

ON BILL C-18

AN ACT TO SUSPEND THE OPERATION OF THE ELECTORAL BOUNDARIES READJUSTMENT ACT

TUESDAY MAY 3, 1994

Northwest Territories Legislative Assembly

100-07414

Issue:

Readjusted boundaries for the Northwest Territories to reflect division of the Northwest Territories in 1999 and to conform to the practice and convention that members of parliament do not normally represent constituents from another jurisdiction.

Presentation:

Honourable Chairman Senator Beaudoin and Honourable Senators, I am pleased to have the opportunity to appear before you this morning to present the concerns of the government of the Northwest Territories and Legislative Assembly with respect to Bill C-18, An Act to Suspend the Operation of the *Electoral Boundaries Readjustment Act*.

The Northwest Territories, which the Honourable Senators will note on this map, covers a third of the geographic area of Canada, and is represented by two members of parliament. As outlined on this map of the present federal electoral boundaries, the ridings of the parliamentary representatives for the Northwest Territories cover vast areas and many widely dispersed communities. While this electoral boundary distribution may have been relevant at the time it was drawn, events in recent years make amendments to these boundaries mandatory.

On June 4, 1993, parliament approved Bill 132, an Act to establish a territory to be known as Nunavut and provide for its government

and to amend certain Acts in consequence thereof. The effect of this Act, the *Nunavut Act*, is to provide for the division of the present day Northwest Territories into a Nunavut Territory and a new Western Territory. The division line between the two new Territories is shown for the information of the Honourable Senators on this map. The provisions of the *Nunavut Act* will come into effect on April 1, 1999. The federal electoral boundaries as they are now drawn are not consistent with the division boundary line between the two new Territories.

If revisions are not agreed to before the next federal election, when the two new Territories are created in 1999, the member of parliament for Nunavut will represent an area in Nunavut and an area in the Western Territory. Similarly the member of parliament from the new Western Territory, in addition to the western area, will represent an area in Nunavut. A provincial example of this situation would result in a Quebec member of parliament representing areas in both Ontario and Quebec and an Ontario member of parliament representing areas in both Quebec and Ontario. To my knowledge, this situation of representation, or confused representation, across provincial/territorial jurisdictional boundaries does not exist anywhere else in Canada and would be an unlikely result of any future boundary adjustment. This case in the Northwest Territories, with the creation of Nunavut, constitutes an unusual circumstance which should be given special consideration within the present debate surrounding Bill C-18 and the suspension of the *Electoral Boundaries Readjustment Act*.

Two principles underline the Canadian system of representation. The first principle guarantees "one elector, one vote". Second is the principle of territorial representation. Each elector is represented in the House of Commons on a territorial basis to allow each region of the country a fair say in the working of the confederation. While population is an important and primary element in the determination of electoral boundaries, recognition is also given to geographic, cultural, political and demographic diversity. The objective must be adequate and realistic representation of all Canadians in the House of Commons.

Under the present formula and the *Representation Act, 1985*, two seats were allocated to the Northwest Territories. Electoral boundaries were established to best reflect the cultural, political and demographic circumstances at that time. As with other parts of Canada, it was contemplated that these boundaries would be reviewed and, as appropriate, adjusted. Similar to each province, the Northwest Territories has a three member Boundary Commission to carry out these responsibilities.

The Boundary Commissions have been charged with the responsibility to take into consideration not only mathematical calculations but also take into account human interests, geographic characteristics and circumstances viewed by the Commission as being extraordinary.

The federal electoral boundary review initiated by the *Electoral Boundaries Readjustment Act* and the consequent work of the Northwest Territories Boundaries Commission was timely because it would allow for the adjustment of the Northwest Territories boundaries to reflect the creation of two new Territories. It would allow for representation for each new Territory by their own member of parliament. The question is not one of additional representation for the two new Territories but adequate and fair representation for the citizens of each Territory. Bill C-18, by suspending the timely and necessary adjustment of the Northwest Territories boundaries before the next federal election, negates this principle of territorial representation.

The government and Legislative Assembly of the Northwest Territories are committed to ensure that all necessary steps have been taken to prepare for division of the Northwest Territories. Accordingly, in preparation for the territorial election next year, the Legislative Assembly passed a motion on December 6, 1993 to create an Electoral District Boundary Commission to review the territorial electoral districts of the Northwest Territories and make them conform to the boundary that will divide the Northwest Territories into two Territories. The Northwest Territories Commission has completed its work and report with boundary adjustments to be adopted in time for the election of the 13th Legislative Assembly in late 1995, which will be the last election for the Northwest Territories before it is divided into two new Territories.

Honourable Senators will note on this map that the NWT Boundaries Commission has recommended changes to electoral districts to conform to the boundary line.

The federal government should similarly be undertaking the steps necessary to prepare for division. The federal Northwest Territories Boundaries Commission has completed its review and public hearing process in the Northwest Territories which was initiated by the *Electoral Boundaries Readjustment Act*. The report of the Northwest Territories Boundaries Commission will be completed this week. Honourable Senators, I bring your attention to the boundary being proposed by the federal commission.

The government and Legislative Assembly of the Northwest Territories recognize that submissions were made by Inuvialuit to the Electoral Boundaries Commission for the Northwest Territories urging that Inuvialuit communities remain in the Nunatsiaq riding because of the strong cultural, economic and historical ties to other Inuit. The government and Legislative Assembly also recognize that the Inuvialuit have been consistent with this concern and that their position has been considered by the Electoral Boundaries Commission for the Northwest Territories. It is also clear that the legitimate constitutional and political concerns of the Inuvialuit must be accommodated in the emerging framework of the Western Arctic jurisdiction.

The government and Legislative Assembly of the Northwest Territories recognize that this case which is raised for your consideration is one small issue in comparison to the more substantial matters surrounding the work undertaken pursuant to the *Electoral Boundaries Readjustment Act* and the present Bill C-18 which proposes to suspend that work. However, the government of the Northwest Territories respectfully suggests that this is an extraordinary circumstance which needs to be addressed. The proposed boundary adjustment is not contentious and does not impact on boundary or representational questions in the provinces.

Given the extraordinary circumstances created by the passage of the *Nunavut Act* by parliament, the government of the Northwest Territories respectfully submits for the consideration of the Honourable Senators, a proposed amendment to Bill C-18 which would permit the necessary boundary changes to be made in the Northwest Territories before the next federal election. Honourable Senators will note that our proposed amendment to Bill C-18 is contained in the material provided to you.

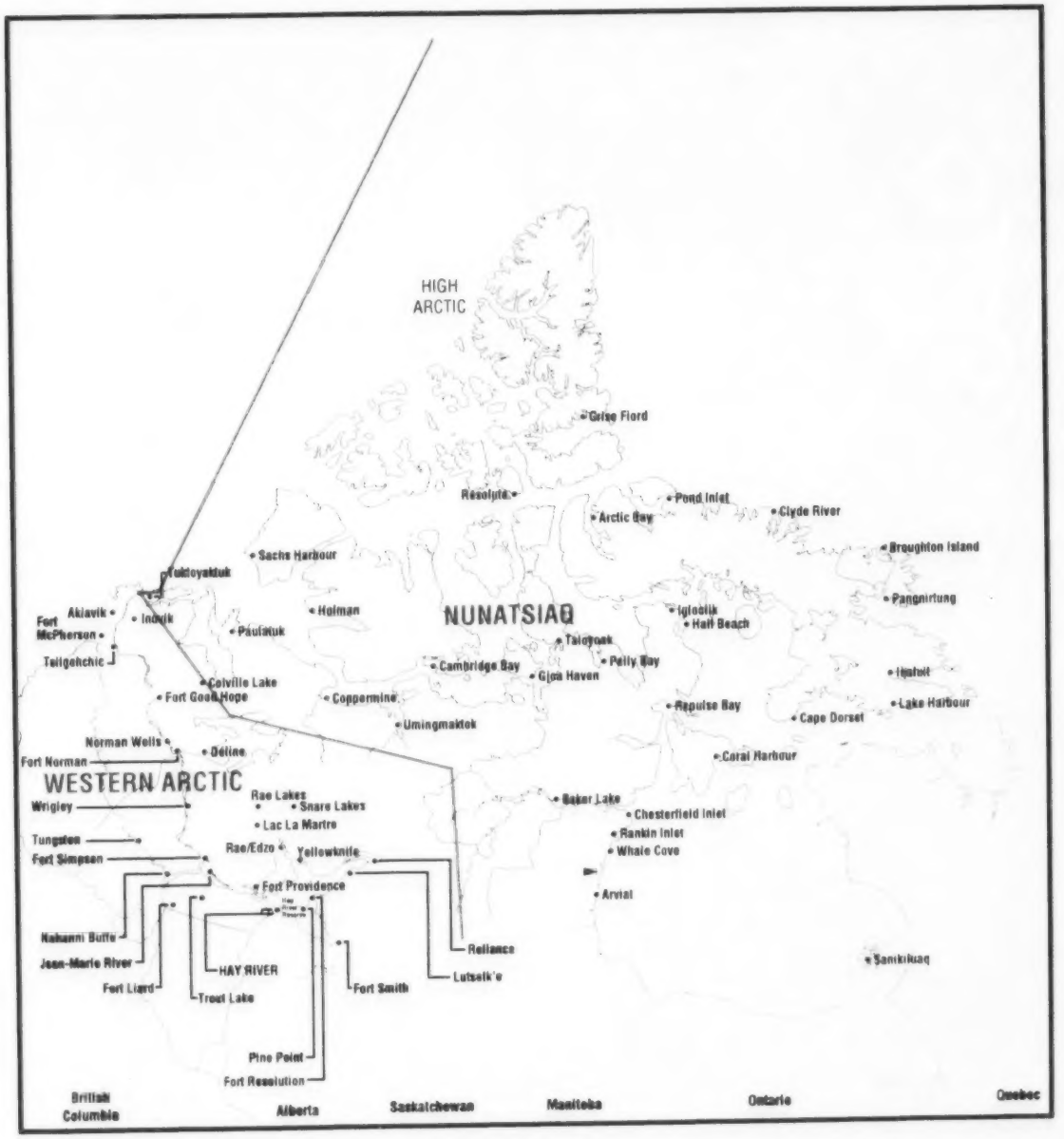
The federal *Nunavut Act* which creates two new Territories in 1999, was passed by the House of Commons with all party consent. It is incumbent on those parties to now ensure that each of the new Territories, when they are created, have fair and adequate representation in that same House of Commons, representation that conforms with the practice and convention that members of parliament do not represent constituents from another provincial or territorial jurisdiction.

Existing
Federal Electoral Boundaries

Limite actuelle des circonscriptions électorales fédérales

LEGEND/SYMBOLES

— Existing Federal Electoral Boundary/
Limite actuelle des circonscriptions électorales fédérales



Northwest Territories Legislative Assembly

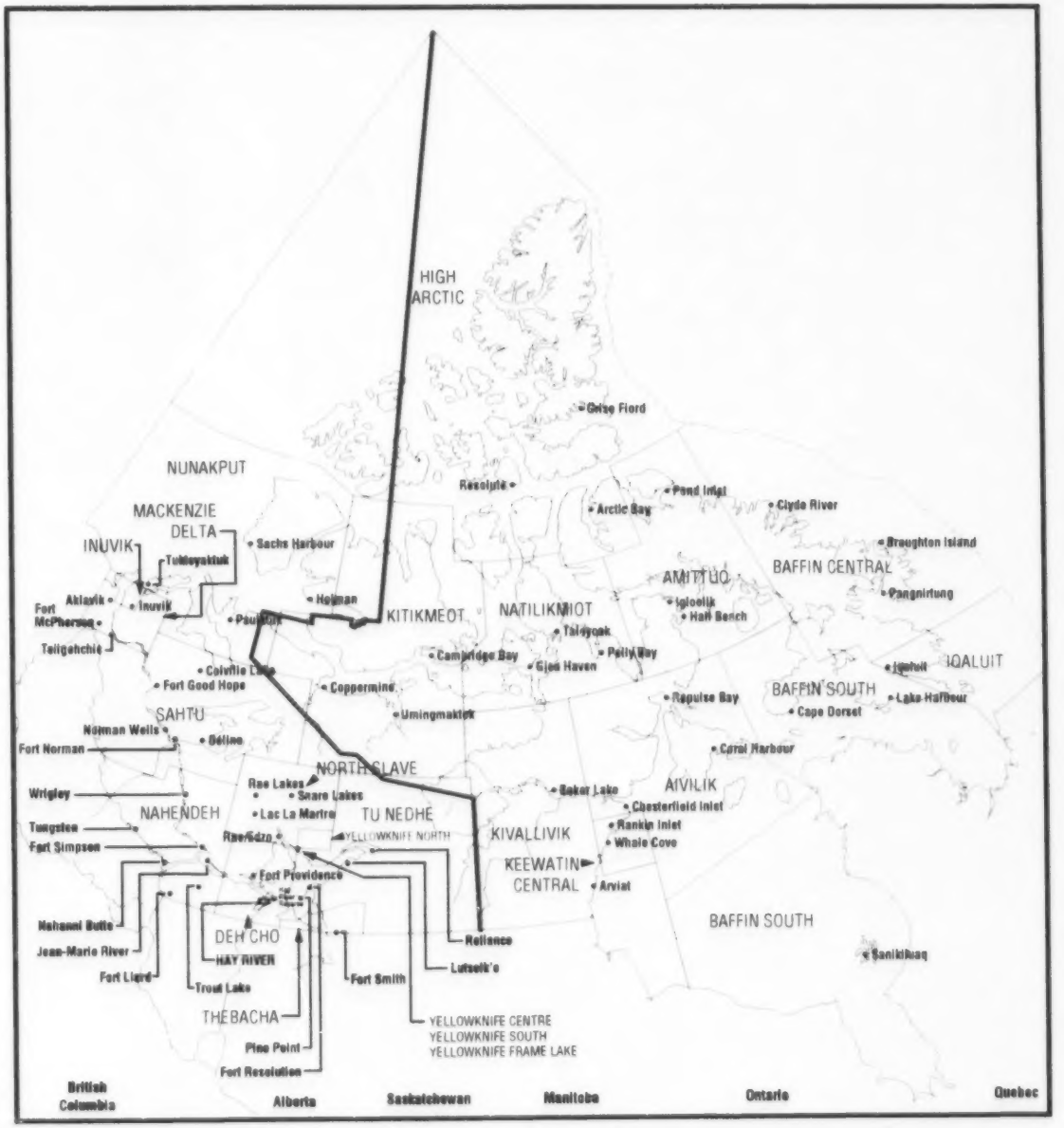
Electoral Districts of the Northwest Territories

Circonscriptions électorales des Territoires du Nord-Ouest

LEGEND/SYMBOLES

— Existing Electoral Districts prior to Proposed Amendment to Districts by the NWT Electoral District Boundaries Commission/
Circonscriptions électorales avant la modification proposée par la Commission sur les limites des circonscriptions électorales des T. N.-O.

— Boundary: Nunavut/Western Territory/
Limite : Nunavut et le territoire de l'ouest



Northwest Territories Legislative Assembly

Proposed Electoral Districts of the Northwest Territories to Conform with Division Boundary

Circonscriptions électorales proposées pour les Territoires du Nord-Ouest en vue de correspondre à la division des Territoires

LEGEND/SYMBOLES

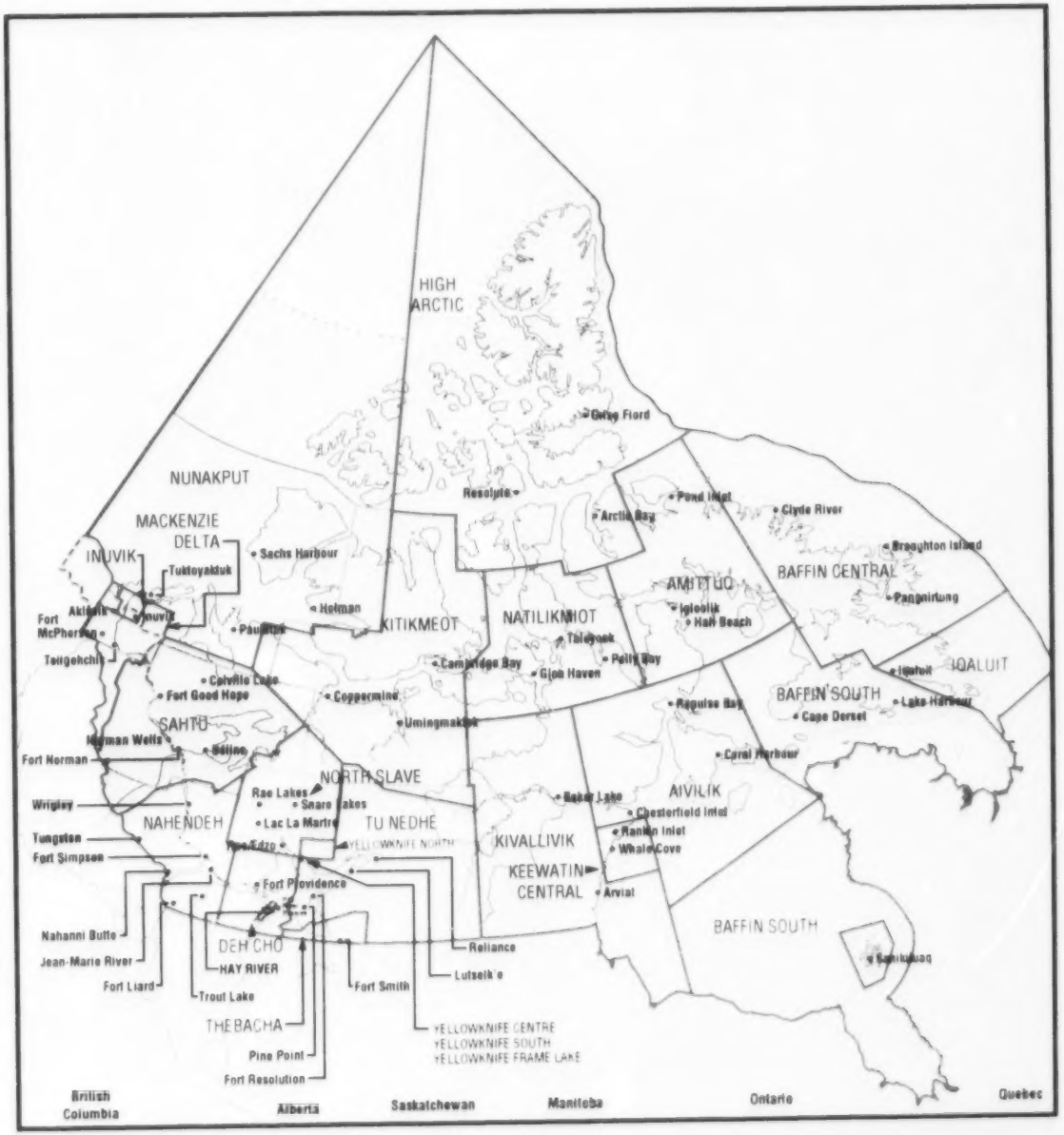
Nunavut Land Claims Agreement/
Région visée par l'entente sur la revendication du Nunavut

Inuvialuit Settlement Region/
Région visée par le règlement de la revendication des Inuvialuit

Gwich'in Land Claim/
Région visée par la revendication territoriale des Gwich'in

Sahtu Comprehensive Land Claim/
Région visée par la revendication territoriale globale du Sahtu

— Proposed Electoral Districts/
Circonscriptions électorales proposées



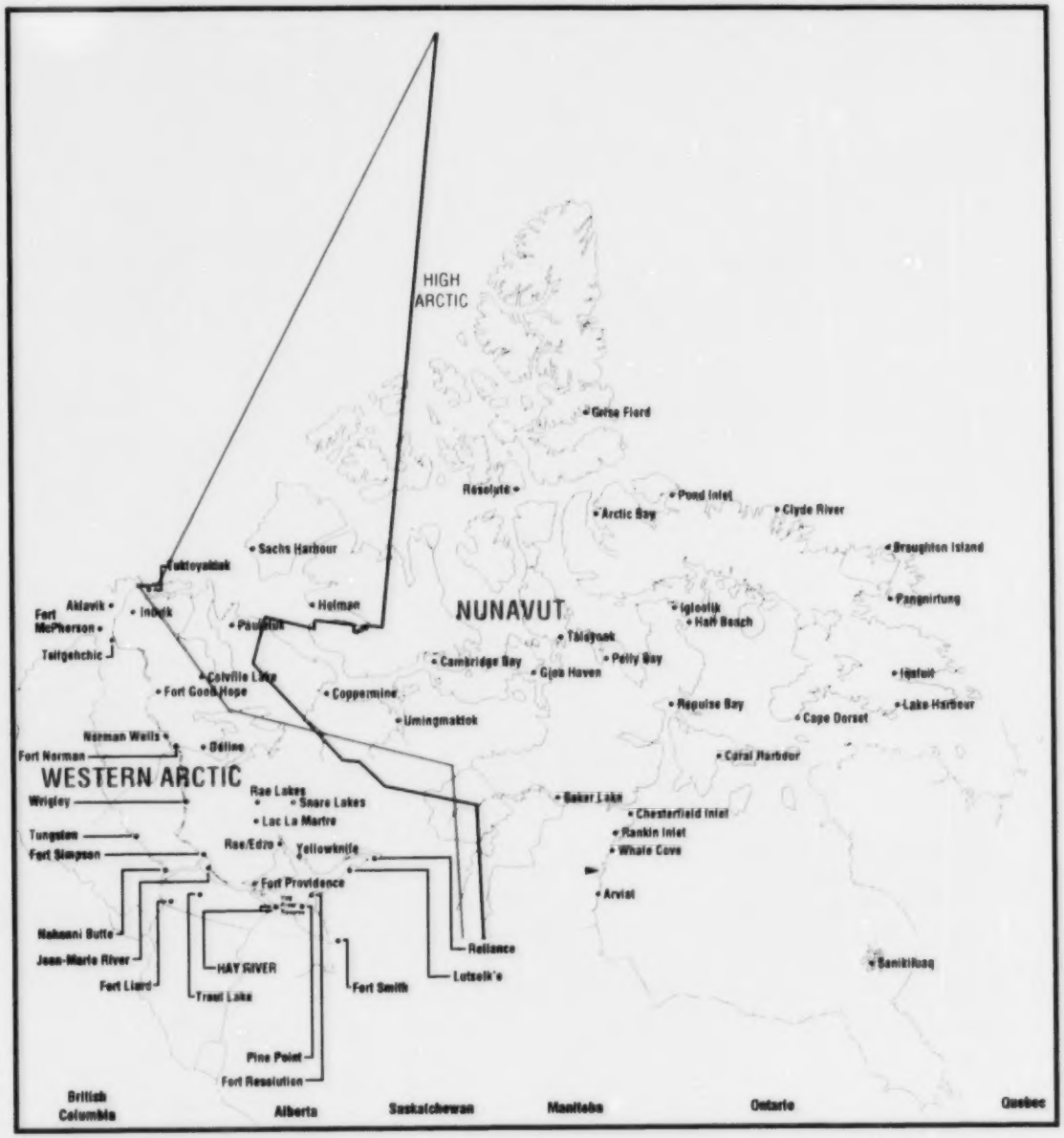
Northwest Territories Legislative Assembly

Proposed and Existing Federal Electoral Boundaries

Limite actuelle des circonscriptions électorales fédérales et celle proposée

LEGEND/SYMBOLES

- Proposed Federal Electoral Boundary/ Limite proposée des circonscriptions électorales fédérales
- Existing Federal Electoral Boundary/ Limite actuelle des circonscriptions électorales fédérales



Northwest Territories Legislative Assembly

Land Claim Settlement Regions

Régions visées par une revendication territoriale

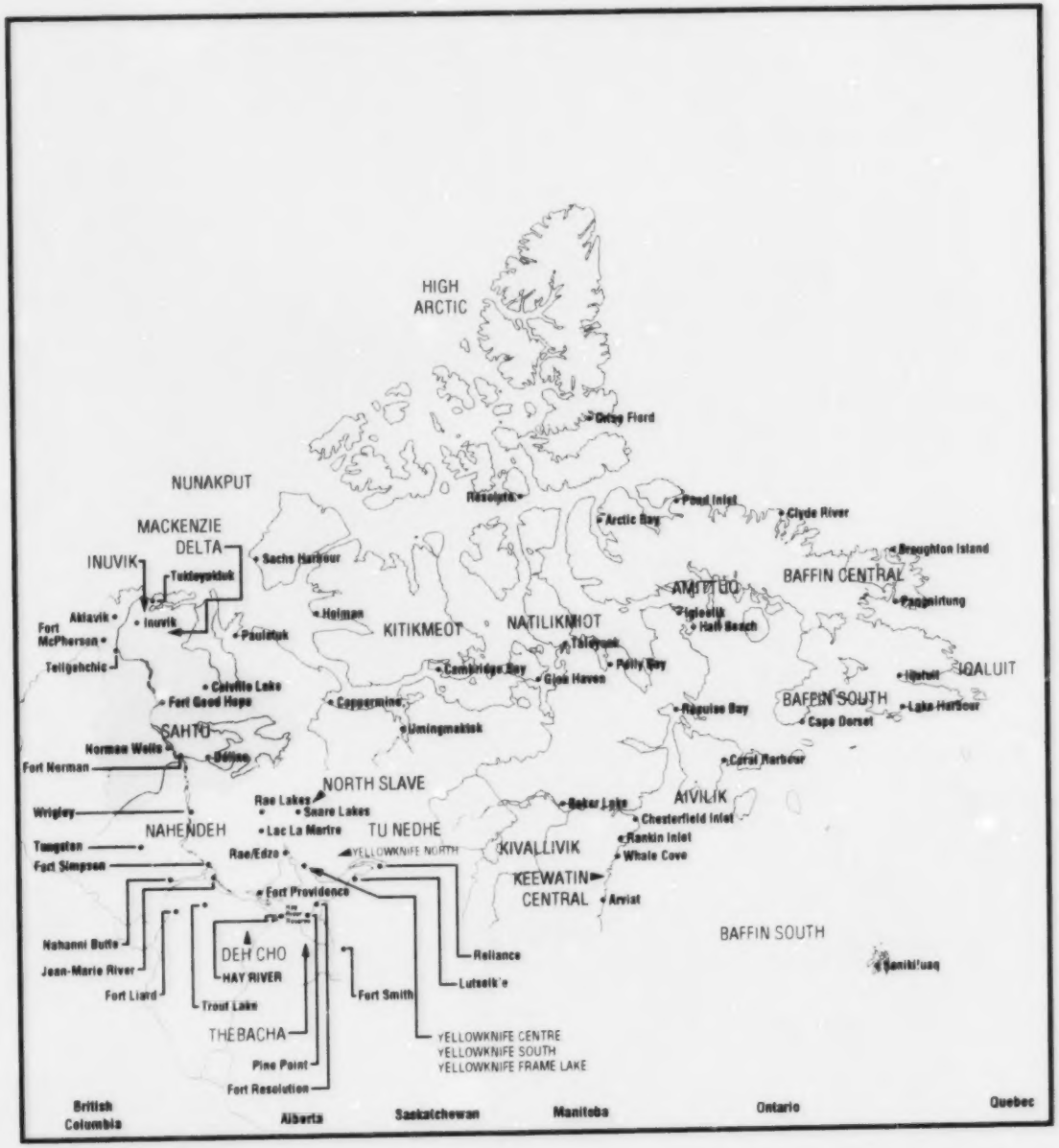
LEGEND/SYMBOLES

Nunavut Land Claims Agreement/
Entente sur la revendication du Nunavut

Inuvialuit Settlement Region/
Revendication des Inuvialuit

Gwich'in Land Claim/
Revendication territoriale des Gwich'in

Sahtu Comprehensive Land Claim/
Revendication territoriale globale du Sahtu



Northwest Territories Legislative Assembly

Motions to amend an Act to suspend the operation of the Electoral Boundaries Readjustment Act.

Motions visant à modifier la Loi suspendant l'application de la Loi sur la révision des limites des circonscriptions électorales.

Motion 1

That Bill C-18 be amended by deleting subclause 2(1) and by substituting the following:

Suspension of R.S., c.E-3

2. (1) Subject to subsection (3), the operation of the *Electoral Boundaries Readjustment Act* is suspended until twenty-four months after the day on which this Act is assented to.

Motion 1

Il est proposé que le projet de loi C-18 soit modifié par substitution, au paragraphe 2(1), de ce qui suit :

Suspension de L.R., ch. E-3

2. (1) Sous réserve du paragraphe (3), l'application de la *Loi sur la révision des limites des circonscriptions électorales* est suspendue jusqu'à l'expiration d'une période de vingt-quatre mois suivant la date de sanction de la présente loi.

Motion 2

That Bill C-18 be further amended by adding the following after subclause 2(2):

Continuation of commission for Northwest Territories

(3) The *Electoral Boundaries Readjustment Act* continues to apply in respect of the electoral boundaries commission established for the Northwest Territories under that Act.

Motion 2

Il est proposé que le même projet de loi soit modifié par insertion, après le paragraphe 2(2), de ce qui suit :

Prorogation de la commission pour les Territoires du Nord-Ouest

(3) La *Loi sur la révision des limites des circonscriptions électorales* continue de s'appliquer à l'égard de la commission de délimitation des circonscriptions électorales constituée en vertu de cette loi pour les Territoires du Nord-Ouest.

Motion 3

That Bill C-18 be further amended by deleting clause 3 and by substituting the following:

Abolition of existing commissions

3. The electoral boundaries commissions for the decennial census of 1991 established pursuant to section 3 of the *Electoral Boundaries Readjustment Act*, other than the commission for the Northwest Territories, cease to exist on the day on which this Act is assented to.

Motion 3

Il est proposé que le même projet de loi soit modifié par substitution, à l'article 3, de ce qui suit :

Dissolution des commissions

3. Les commissions de délimitation des circonscriptions électorales constituées en vertu de l'article 3 de la *Loi sur la révision des limites des circonscriptions électorales* par suite du recensement décennal de 1991, à l'exclusion de la commission pour les Territoires du Nord-Ouest, sont dissoutes à la date de sanction de la présente loi.

Motion 4

That Bill C-18 is further amended by deleting subclause 4(1) and by substituting the following:

New commissions to be established

4. (1) For the decennial census of 1991, the Governor in Council shall, within sixty days after the operation of the *Electoral Boundaries Readjustment Act* ceases to be suspended, establish by proclamation an electoral boundaries commission for each province other than the Northwest Territories.

Motion 4

Il est proposé que le même projet de loi soit modifié par substitution, au paragraphe 4(1), de ce qui suit :

Constitution de commissions

4. (1) Dans les soixante jours suivant la date d'expiration de la période visée au paragraphe 2(1), le gouverneur en conseil constitue, par proclamation, une commission pour chaque province, à l'exclusion des Territoires du Nord-Ouest, pour le recensement décennal de 1991.

Motions to amend an Act to suspend the operation of the Electoral Boundaries Readjustment Act
(Identification of changes to Bill C-18)

Motions visant à modifier la Loi suspendant l'application de la Loi sur la révision des limites des circonscriptions électorale
(Identification des changements au projet de loi C-18)

Motion 1

That Bill C-18 be amended by deleting subclause 2(1) and by substituting the following:

Suspension of R.S., c.E-3

2. (1) Subject to subsection (3), the operation of the *Electoral Boundaries Readjustment Act* is suspended until twenty-four months after the day on which this Act is assented to.

Motion 1

Il est proposé que le projet de loi C-18 soit modifié par substitution, au paragraphe 2(1), de ce qui suit :

2. (1) Sous réserve du paragraphe (3), l'application de la *Loi sur la révision des limites des circonscriptions électorales* est suspendue jusqu'à l'expiration d'une période de vingt-quatre mois suivant la date de sanction de la présente loi.

Suspension de L.R., ch. E-3

Motion 2

That Bill C-18 be further amended by adding the following after subclause 2(2):

Continuation of commission for Northwest Territories

(3) The *Electoral Boundaries Readjustment Act* continues to apply in respect of the electoral boundaries commission established for the Northwest Territories under that Act.

Motion 2

Il est proposé que le même projet de loi soit modifié par insertion, après le paragraphe 2(2), de ce qui suit :

(3) La *Loi sur la révision des limites des circonscriptions électorales* continue de s'appliquer à l'égard de la commission de délimitation des circonscriptions électorales constituée en vertu de cette loi pour les Territoires du Nord-Ouest.

Prorogation de la commission pour les Territoires du Nord-Ouest

Motion 3

That Bill C-18 be further amended by deleting clause 3 and by substituting the following:

Abolition of existing commissions

3. The * * electoral boundaries commissions for the decennial census of 1991 established pursuant to section 3 of the *Electoral Boundaries Readjustment Act*, other than the commission for the Northwest Territories, cease to exist on the day on which this Act is assented to.

Motion 3

Il est proposé que le même projet de loi soit modifié par substitution, à l'article 3, de ce qui suit :

3. Les * * commissions de délimitation des circonscriptions électorales constituées en vertu de l'article 3 de la *Loi sur la révision des limites des circonscriptions électorales* par suite du recensement décennal de 1991, à l'exclusion de la commission pour les Territoires du Nord-Ouest, sont dissoutes à la date de sanction de la présente loi.

Dissolution des commissions

Motion 4

That Bill C-18 is further amended by deleting subclause 4(1) and by substituting the following:

New commissions to be established

4. (1) For the decennial census of 1991, the Governor in Council shall, within sixty days after the operation of the *Electoral Boundaries Readjustment Act* ceases to be suspended, establish by proclamation an electoral boundaries commission for each province other than the Northwest Territories.

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